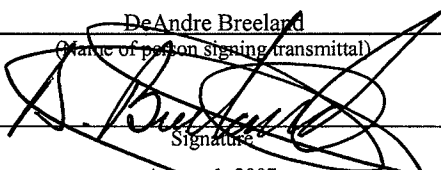


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : Yoichi Kobayashi, et al.
Serial No. : 10/031,282
Filed : February 12, 2002
For : VIDEO GAME SYSTEM AND SERVICE PROVIDER
SYSTEM
Examiner : Williams, Ross A.
Art Unit : 3713
Confirmation No. : 6211

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<u>CERTIFICATE OF ELECTRONIC FILING</u>
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 Signature
August 1, 2007 Date of Signature

RESPONSE TO SECOND NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Complaint Appeal Brief mailed on July 2, 2007,
having a one-month statutory period for response set to expire on August 2, 2007, Appellants
submit herewith revised remarks.

1. **REAL PARTY IN INTEREST**

The real party in interest is Sony Corporation, a Japanese Corporation with offices at 7-35 Kitashinagawa 6-Chome, Shinagawa-ku, Tokyo, 141-0001 Japan. The assignment of this application is recorded in the United States Patent and Trademark office at Reel 012628; Frame 0742.

2. **RELATED APPEALS AND INTERFERENCES**

Upon information and belief, the undersigned attorney does not believe that there is any appeal or interference that will directly affect, be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. **STATUS OF THE CLAIMS**

The Application was filed with claims 1-27 on February 12, 2002, and assigned Application Serial No. 10/031,282. This application claims the benefit of Japanese Patent Application No. 2000-77854, filed on March 15, 2000.

The Examiner issued an Office Action on October 20, 2005. In the Office Action, the Examiner rejected claims 1, 2, 4-9 and 11-27 under 35 U.S.C. §102(a) as allegedly anticipated by JP 2000-005439 to Nippon (hereinafter, merely "Nippon"). Claims 3 and 10 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nippon in view of U.S. Patent No. 6,645,068 to Kelly et al. (hereinafter, merely "Kelly").

In response to the Office Action Appellants submitted a response on January 19, 2006 thereby adding the features of claims 3 and 10 to the independent claims, canceling claims 3 and

10 and arguing the patentably distinct features of the application over the combination of the cited references.

The Examiner then issued a Final Office Action on March 30, 2006. In the Office Action, the Examiner rejected claims 1, 2, 4-9 and 11-27 under 35 U.S.C. §103(a) as allegedly unpatentable over Nippon in view of U.S. Patent No. 6,443,840 to Von Kohorn (hereinafter, merely "Von Kohorn"). A response to the Final Office Action was filed by Appellants on June 23, 2006 traversing the Examiner's rejections of the claims, which was not entered.

The Examiner issued an Advisory Action on July 11, 2006, maintaining the rejections recited in the Final Office Action.

A Notice of Appeal and Pre-Appeal Brief Request for Review was filed by Appellant on July 31, 2006. A Notice of Panel Decision was mailed on September 27, 2006.

Accordingly, the status of the claims may be summarized as follows:

Claims Allowed:	None.
Claims Rejected:	1, 2, 4-9 and 11-27.
Claims Appealed:	1, 2, 4-9 and 11-27.

The rejected claims 1, 2, 4-9 and 11-27 are set forth in the Appendix attached hereto.

Appellants appeal the Final Rejection of claims 1, 2, 4-9 and 11-27, which constitute all of the currently pending claims in this application.

4. **STATUS OF THE AMENDMENTS**

Appellants believe that all the submitted Amendments have been entered.

5. **SUMMARY OF THE CLAIMED SUBJECT MATTER**

The citations to Figures and Specification locations are provided immediately following elements of independent claim 1, which is summarized below. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

There are eleven independent claims (1, 6-8, 13, 15, 16, 19, 20, 23 and 25) in the instant application at issue in this appeal, and are generally directed to reading out a video game soft program from a video game program recording medium body (Figure 6, element 60: Page 11, line 21 - Page 12, line 11) having a video game soft program recorded including a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5), privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game progressed in accordance with a video game program, and a printing control program (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) capable of printing privilege information corresponding to a cleared game stage when the game stage is cleared (page 10, line 20-21). A video game is progressed in accordance with the video game soft program (60A of Figure 6). Privilege information corresponding to a cleared game stage is converted in accordance with the printing control program when the game stage of the video game is cleared to print it (See Page 12, line 22- Page 13, line 3; Figure 7, step S24).

Claim 1 is directed to a video game system comprising a service provider (Figure 2, element 20; Page 11, lines 11-20) and a video game device connected through a network (Pages 9-10 of the Specification; Figures 1-3). The video game device comprises video game soft program read-out means for reading out a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) from a video game program recording medium (Pages 9-10 of the Specification), client registration control means for getting access to said service provider

(Figure 2, element 20; Page 11, lines 11-20) through said network and performing client registration of said video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) (Page 11; Figure 4 of the Specification), control means for controlling of progressing a video game in accordance with a video soft program read out by said video game soft program read-out means (Pages 12-13 of the Specification; Figure 6, 60C), accessing said service provider (Figure 2, element 20; Page 11, lines 11-20) through said network when the game stage of said video game is cleared (Page 15, line 15 of the Specification;), and obtaining privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage from said service provider (Figure 2, element 20; Page 11, lines 11-20) (Pages 12-15 of the Specification). Printing control means (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) converts the privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) obtained from said service provider (Figure 2, element 20; Page 11, lines 11-20) into printing data, and outputs the printing data (Pages 13-15 of the Specification). The service provider (Figure 2, element 20; Page 11, lines 11-20) comprises database administration means for administrating privilege data base in which privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game and client data base in which client information of said video game is registered (Pages 9-15 of the Specification), and distribution control means for controlling of accepting access based on said client information from the video game device connected through said network, taking out privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage by said database administration means, and distributing said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) (Pages 9-15 of the Specification). The advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information (Figure 6,

element 60B; Page 11, line 21 - Page 12, line 5) and distributed by said distribution control means (Pages 11 and 16-18 of the Specification).

Claim 6 is directed to a video game system (Pages 9-10 of the Specification; Figures 1-3), comprising: a video game program recording medium having a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) recorded therein comprising a video game soft program body (Pages 9-10 of the Specification), privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game progressed in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5), and a printing control program (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) capable of printing privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage when the game stage is cleared (Pages 9-15 of the Specification). A video game device comprising video game soft program read-out means for reading out said video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) from the recording medium, and control means for progressing a video game in accordance with the video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) read out by the video game soft program read-out means (Pages 9-15 of the Specification), and converting privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage in accordance with said printing control program (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) into printing data, and outputting the printing data when the game stage of said video game is cleared (Pages 9-15 of the Specification). The advertisement information is registered by a data base administration means, and said advertisement information is added to said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) and distributed by a distribution control means (Pages 11

and 16-18 of the Specification) A printer device (39) for printing said printing data output from said video game device (Pages 13-15 of the Specification).

Claim 7 is directed to a video game system comprising a service provider (Figure 2, element 20; Page 11, lines 11-20) and a video game device connected through a network (Pages 9-10; Figures 1-3 of the Specification of the Specification). The video game device comprises video game soft program read-out means for reading out the video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) from a video game program recording medium having a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) that can be read and executed by a computer including a video game soft program body (Pages 9-13 of the Specification), and identification information for getting access, when a game stage of a video game progressed in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) is cleared, to a service provider (Figure 2, element 20; Page 11, lines 11-20) to obtain privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage (Pages 9-15 of the Specification), and printing the privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5), control means for controlling of progressing a video game in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) read out by the video game soft program read-out means (Pages 11-15 of the Specification), and accessing a service provider (Figure 2, element 20; Page 11, lines 11-20) on the basis of the identification information to obtain privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage (Pages 9-15 of the Specification), when the game stage of the video game is cleared, and printing control means for converting the privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) obtained from the service provider (Figure 2, element 20; Page 11, lines 11-20) into printing data, and outputting the printing data

(Pages 9-15 of the Specification); and said service provider (Figure 2, element 20; Page 11, lines 11-20) comprises data base administration means for administrating data base including privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game (Pages 9-15 of the Specification), and distribution control means for controlling of accepting access based on said identification information from the video game device connected through a network and taking out privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage by said data base administration means to distribute said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) (Pages 9-15 of the Specification). Advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) and distributed by said distribution control means (Pages 11 and 16-18 of the Specification).

Claim 8 is directed to a service provider (Figure 2, element 20; Page 11, lines 11-20) system (Pages 9-10; Figures 1-3 of the Specification), comprising: data base administration means for administrating privilege data base in which privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game is registered and client data base in which client information of the video game is registered (Pages 9-15 of the Specification); and distribution control means for controlling of accepting access based on said client information from a video game device connected through said network and taking out privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage by said data base administration means to distribute said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) (Pages 9-15 of the Specification). Advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information (Figure 6,

element 60B; Page 11, line 21 - Page 12, line 5) and distributed by said distribution control means (Pages 11 and 16-18 of the Specification).

Claim 13 is directed to a service provider (Figure 2, element 20; Page 11, lines 11-20) system (Pages 9-10; Figures 1-3 of the Specification), comprising: data base administration means for administrating data base including privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game (Pages 9-15 of the Specification); and distribution control means for controlling of accepting access based on identification information from a video game device connected through a network (Pages 9-15 of the Specification), taking out privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage in said video game device by said data base administration means, and distributing said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) (Pages 9-15 of the Specification). Advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) and distributed by said distribution control means (Pages 11 and 16-18 of the Specification).

Claim 15 is directed to a video game device (Pages 9-10; Figures 1-3 of the Specification), comprising: video game soft program read-out means for reading out the video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) from a recording medium having a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) recorded therein comprising a video game program body (Pages 9-15 of the Specification), privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game progressed in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) (Pages 9-15 of the Specification), and a printing control program (Figure 6, element 60C; Page 11, line 21 - Page

12, line 5) capable of printing privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage when the game stage is cleared (Pages 9-15 of the Specification); and control means for progressing a video game in accordance with a video game soft program read out by said video game soft program read-out means and converting privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage in accordance with said printing control program (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) into printing data (Pages 9-15 of the Specification), and outputting the printing data when the game stage of said video game is cleared (Pages 9-15 of the Specification). Advertisement information is registered by a data base administration means, and said advertisement information is added to said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) and distributed by a distribution control means (Pages 11 and 16-18 of the Specification).

Claim 16 is directed to a video game device (Pages 9-10; Figures 1-3 of the Specification), comprising: video game soft program read-out means for getting access, when a game stage of a video game progressed in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) is cleared, to a service provider (Figure 2, element 20; Page 11, lines 11-20), and reading out said video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) from a video game program recording medium having a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) that can be read and executed by a computer including a video game soft program body and identification information to obtain privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage, and printing the privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) (Pages 9-15 of the Specification); control means for controlling of progressing a video game in accordance with the

video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) read out by said video game soft program read-out means, and accessing a service provider (Figure 2, element 20; Page 11, lines 11-20) on the basis of said identification information, when the game stage of said video game is cleared, to obtain privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to the cleared game stage from said service provider (Figure 2, element 20; Page 11, lines 11-20) (Pages 9-16 of the Specification). Advertisement information is registered by a data base administration means, and said advertisement information is added to said privileged information and distributed by a distribution control means (Pages 11 and 16-18 of the Specification); and printing control means (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) for converting the privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) obtained from said service provider (Figure 2, element 20; Page 11, lines 11-20) into printing data, and outputting the printing data (Pages 9-15 of the Specification).

Claim 19 is directed to a control method for a video game device (Pages 9-10; Figures 1-3 of the Specification) comprising: reading out a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) from a video game program recording medium having a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) recorded comprising a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5), privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game progressed in accordance with a video game program, and a printing control program (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) capable of printing privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage when the game stage is cleared (Pages 9-15 of the Specification); progressing a video game in accordance with the video game soft program

(Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) (Pages 12-15 of the Specification); and converting privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage in accordance with the printing control program (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5), and printing the converted privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5), when the game stage of the video game is cleared (Pages 9-15 of the Specification). A service provider (Figure 2, element 20; Page 11, lines 11-20) administers advertisement data base in which advertisement information is registered, and distributes said privileged information by adding advertisement information thereto (Pages 11 and 16-18 of the Specification).

Claim 20 is directed to a printing control method in a video game system comprising a service provider (Figure 2, element 20; Page 11, lines 11-20) and a video game device connected through a network (Pages 9-15; Figures 1-3 and 10 of the Specification), comprising the steps of: reading out a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) from a video game program recording medium having a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) that can be read and executed by a computer including a video soft program body and identification information for obtaining privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage, and printing the privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) by getting access to a service provider (Figure 2, element 20; Page 11, lines 11-20) when a game stage of a video game progressed in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) is cleared (Pages 9-16 of the Specification); progressing a video game in accordance with said video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) (Pages 12-16 of the Specification); getting access to a service provider (Figure 2, element 20; Page 11, lines 11-20) on the basis of

the identification information to obtain privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage from the service provider (Figure 2, element 20; Page 11, lines 11-20), when the game stage of the video game is cleared (Pages 9-16 of the Specification); and converting the privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) obtained from the service provider (Figure 2, element 20; Page 11, lines 11-20) into printing data, and printing the printing data (Pages 9-15 of the Specification). The service provider (Figure 2, element 20; Page 11, lines 11-20) administers advertisement data base in which advertisement information is registered, and distributes said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) by adding advertisement information thereto (Pages 11 and 16-18 of the Specification).

Claim 23 is directed to a video game program recording medium recording a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) that can be read and executed by a computer (Pages 9-10; Figures 1-3 of the Specification) comprising: a video game soft program body (Pages 9-10 of the Specification); privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a game stage of a video game progressed in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) (Pages 9-15 of the Specification). A service provider (Figure 2, element 20; Page 11, lines 11-20) administers advertisement data base in which advertisement information is registered, and distributes said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) by adding advertisement information thereto (Pages 11 and 16-18 of the Specification); and a printing control program (Figure 6, element 60C; Page 11, line 21 - Page 12, line 5) for reading out and capable of printing privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage when the game stage is cleared (Pages 12-15 of the Specification).

Claim 25 is directed to a video game program recording medium recording a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) that can be read and executed by a computer (Pages 9-10; Figures 1-3 of the Specification) including: a video game soft program body (Pages 9-10 of the Specification); and identification information for obtaining and printing privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) corresponding to a cleared game stage by getting access to a service provider (Figure 2, element 20; Page 11, lines 11-20) when a game stage of a video game progressed in accordance with a video game soft program (Figure 6, element 60A; Page 11, line 21 - Page 12, line 5) is cleared (Pages 9-15 of the Specification). The service provider (Figure 2, element 20; Page 11, lines 11-20) administers advertisement data base in which advertisement information is registered, and distributes said privilege information (Figure 6, element 60B; Page 11, line 21 - Page 12, line 5) by adding advertisement information thereto (Pages 11 and 16-18 of the Specification).

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Appellants request review of the rejection:

Claims 1, 2, 4-9 and 11-27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over JP 2000-005439 to Nippon (hereinafter, merely “Nippon”) in view of U.S. Patent No. 6,443,840 to Von Kohorn (hereinafter, merely “Von Kohorn”).

7. **ARGUMENTS**

**The §103 Rejections Should be Withdrawn Because the
Cited References Do Not Disclose Each and Every Element
Recited in the Claims**

Claim 1 recites, *inter alia*:

“A video game system...

...said service provider comprises database administration means for administrating privilege data base in which privilege information corresponding to a game stage of a video game and client data base in which client information of said video game is registered, and distribution control means for controlling of accepting access based on said client information from the video game device connected through said network, taking out privilege information corresponding to the cleared game stage by said database administration means, and distributing said privilege information,

wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means.”
(emphasis added)

As understood by Appellants, Nippon relates to a communications game system which issues a game continuing key card that stores game resume information. Despite interruption of a game being played, the game can be resumed from the hierarchical stage interrupted the last time, from any of a plurality of game terminal devices. While resuming an interrupted game, a game continuing key card with game resume information printed thereon is inserted into the game continuing key card printing/reading means of any of the plurality of game terminal devices. The game resume information is read and printed in the form of two-dimensional codes on the game continuing key card.

As understood by Appellants, Von Kohorn relates to transmission by electronic media including radio and television broadcasting programs to listeners and viewers of the programs where the provision of signals designating questions or tasks including a wagering situation. Also, to the provision of response criteria for evaluating responses of the listeners and viewers.

It is respectfully submitted that the applied combination of Nippon and Von Kohorn does not teach the above-recited features of independent claim 1. Specifically, the Office Action concedes that “Nippon lacks in disclosing the advertising information registered and distributed.”

(See Office Action page 3) Appellants respectfully disagree with the assertion that Von Kohorn provides the disclosure missing from Nippon.

The Office Action cites Column 24, lines 35-52 of Von Kohorn, which recites "...up-to-date promotional information printed on coupons directing the station which transmits instructional signals to remote locations to include in such signals the desired advertising material. A last-minute telephone call by an advertiser to the sub-carrier station with directives to incorporate certain instructional signals in the sub-carrier transmission will result in a large number of shoppers being alerted to 'special sales' through up-to-the-minute coupon promotions."

Appellants respectfully submit that this disclosure does not teach or suggest a video game system wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means, as recited in claim 1.

Indeed, the combination of Nippon and Von Kohorn does not suggest advertisement information being registered in a data base and added to privilege information.

Therefore, Appellants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 6-8, 13, 15, 16, 19, 20, 23 and 25 are also believed to be patentable.

Therefore, Appellants submit that independent claims 1, 6-8, 13, 15, 16, 19, 20, 23 and 25 are patentable.

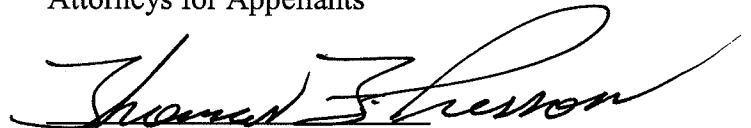
The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons.

CONCLUSION

For the reasons discussed above, claims 1, 2, 4-9 and 11-27 are patentable. It is, therefore, respectfully submitted that the Examiner erred in rejecting claims 1, 2, 4-9 and 11-27, and a reversal by the Board is solicited.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Appellants

By:

A handwritten signature in black ink, appearing to read "Thomas F. Presson", written over a horizontal line.

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APPENDIX I

CLAIMS ON APPEAL

1. (Previously Presented) A video game system comprising a service provider and a video game device connected through a network, wherein

said video game device comprises video game soft program read-out means for reading out a video game soft program from a video game program recording medium, client registration control means for getting access to said service provider through said network and performing client registration of said video game soft program, control means for controlling of progressing a video game in accordance with a video soft program read out by said video game soft program read-out means, getting access to said service provider through said network when the game stage of said video game is cleared, and obtaining privilege information corresponding to the cleared game stage from said service provider, aid printing control means for converting the privilege information obtained from said service provider into printing data, and outputting the printing data; and

said service provider comprises database administration means for administrating privilege data base in which privilege information corresponding to a game stage of a video game and client data base in which client information of said video game is registered, and distribution control means for controlling of accepting access based on said client information from the video game device connected through said network, taking out privilege information corresponding to the cleared game stage by said database administration means, and distributing said privilege information,

wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed

by said distribution control means.

2. (Original) The video game system according to claim 1, wherein said service provider distributes said privilege information by adding thereto a printing control program capable of printing said privilege information thereto by said distribution control means.

3. (Canceled)

4. (Original) The video game system according to claim 1, wherein said service provider distributes said privilege information by adding identification information thereto by said distribution control means.

5. (Original) The video game system according to claim 4, further comprising validity determination means for notifying determination of validity of said privilege information on the basis of said identification information through said network on the basis of identification information added to said privilege information when privilege based on said privilege information is exercised.

6. (Previously Presented) A video game system, comprising:
a video game program recording medium having a video game soft program recorded therein comprising a video game soft program body, privilege information corresponding to a game stage of a video game progressed in accordance with a video game soft program, and a printing control program capable of printing privilege information corresponding to a cleared game stage when the game stage is cleared;

a video game device comprising video game soft program read-out means for reading out said video game soft program from the recording medium, and control means for progressing a video game in accordance with the video game soft program read out by the video game soft program read-out means, and converting privilege information corresponding to the cleared game stage in accordance with said printing control program into printing data, and outputting the printing data when the game stage of said video game is cleared,

wherein advertisement information is registered by a data base administration means, and said advertisement information is added to said privilege information and distributed by a distribution control means; and

a printer device for printing said printing data output from said video game device.

7. (Previously Presented) A video game system comprising a service provider and a video game device connected through a network, wherein

said video game device comprises video game soft program read-out means for reading out the video game soft program from a video game program recording medium having a video game soft program that can be read and executed by a computer including a video game soft program body, and identification information for getting access, when a game stage of a video game progressed in accordance with a video game soft program is cleared, to a service provider to obtain privilege information corresponding to the cleared game stage, and printing the privilege information, control means for controlling of progressing a video game in accordance with a video game soft program read out by the video game soft program read-out means, and getting access to a service provider on the basis of the identification information to obtain privilege information corresponding to the cleared game stage, when the game stage of

the video game is cleared, and printing control means for converting the privilege information obtained from the service provider into printing data, and outputting the printing data; and

said service provider comprises data base administration means for administrating data base including privilege information corresponding to a game stage of a video game, and distribution control means for controlling of accepting access based on said identification information from the video game device connected through a network and taking out privilege information corresponding to the cleared game stage by said data base administration means to distribute said privilege information,

wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means.

8. (Previously Presented) A service provider system, comprising:

data base administration means for administrating privilege data base in which privilege information corresponding to a game stage of a video game is registered and client data base in which client information of the video game is registered; and

distribution control means for controlling of accepting access based on said client information from a video game device connected through said network and taking out privilege information corresponding to the cleared game stage by said data base administration means to distribute said privilege information,

wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means.

9. (Original) The service provider system according to claim 8, wherein said distribution control means distributes said privilege information by adding thereto a printing control program capable of printing said privilege information.

10. (Canceled)

11. (Original) The service provider system according to claim 8, wherein said privilege information is distributed with identification information added thereto by said distribution control means.

12. (Original) The service provider system according to claim 11, further comprising validity determination means for notifying determination of validity of said privilege information on the basis of said identification information through said network on the basis of identification information added to said privilege information when privilege based on said privilege information is exercised.

13. (Previously Presented) A service provider system, comprising:
data base administration means for administrating data base including privilege information corresponding to a game stage of a video game; and
distribution control means for controlling of accepting access based on identification information from a video game device connected through a network, taking out privilege information corresponding to a cleared game stage in said video game device by said data base administration means, and distributing said privilege information,

wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means.

14. (Original) The service provider system according to claim 13, wherein said distribution control means controls distributing process of a printing control program capable of printing said privilege information along with said privilege information.

15. (Previously Presented) A video game device, comprising:
video game soft program read-out means for reading out the video game soft program from a recording medium having a video game soft program recorded therein comprising a video game program body, privilege information corresponding to a game stage of a video game progressed in accordance with a video game soft program, and a printing control program capable of printing privilege information corresponding to the cleared game stage when the game stage is cleared; and

control means for progressing a video game in accordance with a video game soft program read out by said video game soft program read-out means and converting privilege information corresponding to the cleared game stage in accordance with said printing control program into printing data, and outputting the printing data when the game stage of said video game is cleared,

wherein advertisement information is registered by a data base administration means, and said advertisement information is added to said privilege information and distributed by a distribution control means.

16. (Previously Presented) A video game device, comprising:

video game soft program read-out means for getting access, when a game stage of a video game progressed in accordance with a video game soft program is cleared, to a service provider, and reading out said video game soft program from a video game program recording medium having a video game soft program that can be read and executed by a computer including a video game soft program body and identification information to obtain privilege information corresponding to a cleared game stage, and printing the privilege information;

control means for controlling of progressing a video game in accordance with the video game soft program read out by said video game soft program read-out means, and getting access to a service provider on the basis of said identification information, when the game stage of said video game is cleared, to obtain privilege information corresponding to the cleared game stage from said service provider,

wherein advertisement information is registered by a data base administration means, and said advertisement information is added to said privileged information and distributed by a distribution control means; and

printing control means for converting the privilege information obtained from said service provider into printing data, and outputting the printing data.

17. (Original) The video game device according to claim 16, wherein said control means controls reading out individual identification information every game stage cleared from a video game program recording medium, and obtaining privilege information from said service provider.

18. (Original) The video game device according to claim 16, wherein said control means controls producing individual new identification information every game stage cleared on the basis of identification information read out from a video game program recording medium, using the produced identification information to get access to a service provider, and obtaining privilege information corresponding to the cleared game stage from said service provider.

19. (Previously Presented) A control method for a video game device comprising:

reading out a video game soft program from a video game program recording medium having a video game soft program recorded comprising a video game soft program, privilege information corresponding to a game stage of a video game progressed in accordance with a video game program, and a printing control program capable of printing privilege information corresponding to a cleared game stage when the game stage is cleared;

progressing a video game in accordance with the video game soft program; and

converting privilege information corresponding to a cleared game stage in accordance with the printing control program, and printing the converted privilege information, when the game stage of the video game is cleared,

wherein a service provider administers advertisement data base in which advertisement information is registered, and distributes said privileged information by adding advertisement information thereto.

20. (Previously Presented) A printing control method in a video game system comprising a service provider and a video game device connected through a network, comprising the steps of:

reading out a video game soft program from a video game program recording medium having a video game soft program that can be read and executed by a computer including a video soft program body and identification information for obtaining privilege information corresponding to a cleared game stage, and printing the privilege information by getting access to a service provider when a game stage of a video game progressed in accordance with a video game soft program is cleared;

progressing a video game in accordance with said video game soft program;

getting access to a service provider on the basis of the identification information to obtain privilege information corresponding to a cleared game stage from the service provider, when the game stage of the video game is cleared; and

converting the privilege information obtained from the service provider into printing data, and printing the printing data,

wherein said service provider administers advertisement data base in which advertisement information is registered, and distributes said privilege information by adding advertisement information thereto.

21. (Original) The printing control method in a video game system according to claim 20, wherein a printing control program capable of printing said privilege information is read out from the recording medium, and privilege information obtained from said service provider is converted into printing data in accordance with said printing control program, and

printed.

22. (Original) The printing control method in a video game system according to claim 20, wherein a printing control program capable of printing said privilege information is obtained from said service provider, and privilege information obtained from said service provider is converted into printing data in accordance with said printing control program, and printed.

23. (Previously Presented) A video game program recording medium recording a video game soft program that can be read and executed by a computer comprising:

- a video game soft program body;
- privilege information corresponding to a game stage of a video game progressed in accordance with a video game soft program,
- wherein a service provider administers advertisement data base in which advertisement information is registered, and distributes said privilege information by adding advertisement information thereto; and
- a printing control program for reading out and capable of printing privilege information corresponding to a cleared game stage when the game stage is cleared.

24. (Previously Presented) The recording medium according to claim 23, wherein said printing control program includes a printer driver.

25. (Previously Presented) A video game program recording medium recording a video game soft program that can be read and executed by a computer including:

a video game soft program body; and
identification information for obtaining and printing privilege information
corresponding to a cleared game stage by getting access to a service provider when a game stage
of a video game progressed in accordance with a video game soft program is cleared,
wherein said service provider administers advertisement data base in which
advertisement information is registered, and distributes said privilege information by adding
advertisement information thereto.

26. (Previously Presented) The recording medium according to claim 25,
wherein the video game soft program includes individual identification information every game
stage.

27. (Previously Presented) The recording medium according to claim 25,
wherein the video game soft program includes a printing control program capable of printing
said privilege information.

APPENDIX II

EVIDENCE

None

APPENDIX III
RELATED PROCEEDINGS

None